

FILED  
RICHARD W. NAGEL  
CLERK OF COURT

2021 NOV -2 PM 2: 15

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

CIVIL ACTION NUMBER: U.S. DISTRICT COURT  
SOUTHERN DIST. OHIO  
EAST. DIV. COLUMBUS

Marvin Myers,  
PLAINTIFF, Pro se  
PO Box 540  
ST Clairsville, OH 43950

2: 21-cv-5191

CHIEF JUDGE

JUDGE Morrison

MAGISTRATE

JUDGE Vascura

v.

Annette Chambers Smith, Director  
OHIO DEPARTMENT OF  
REHABILITATION AND CORRECTION  
4545 Fisher Rd Suite 200  
COLUMBUS, OHIO 43228

-DEFENDANT'S, inclusive

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Motion for Preliminary Injunction

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Plaintiff moves the court for a **preliminary injunction** enjoining the defendant, **Annette Chambers Smith, Director** her agents, servants, employees and attorneys and all persons in active concert and participation with him, pending the final hearing and determination of this action, Stop opening, copying, inspecting Legal mail outside the presence of the inmate which is a clear violation of the 1<sup>st</sup> amendment of the US Constitution. on the grounds that

- (1) Unless restrained by this court defendant will perform the acts referred to;
- (2) Such action by the defendant will result in irreparable injury, loss and damage to the plaintiff, as more particularly appears in the verified complaint and the affidavit of in Support of Motion for Preliminary Injunction, attached hereto;
- (3) The issuance of a **preliminary injunction** herein will not cause undue inconvenience or loss to defendant but will prevent irreparable injury to plaintiff.

(or)

Upon the verified complaint herein, and upon the attached affidavits of in Support of Motion for Preliminary Injunction and, plaintiff moves the court for a **preliminary injunction**, as prayed for in the complaint and on the grounds therein set forth.



Marvin Myers 747557

PO Box 540

ST Clairsville OH 43950

Certificate of Service

I, Marvin Myers, plaintiff in the above-entitled action, hereby certify that on the day of 27<sup>th</sup> Nov, 2021, I served the attached upon, Ohio Attorney General Office attorney of record in the proceedings for defendant, by sending a copy of Motion for Preliminary Injunction to his office at 350 E Gay St St., , vis the US Mail.



Marvin Myers

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Marvin Myers,

PLAINTIFF, *Pro se*

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Annette Chambers Smith, Director

OHIO DEPARTMENT OF  
REHABILITATION AND CORRECTION

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-DEFENDANT'S, inclusive

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Affidavit [in Support of Motion for Preliminary Injunction]

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State of Ohio

County of Belmont

ss.:

Marvin Myers, being sworn, says:

1. He is the plaintiff in the above-entitled action.
2. This is an action for Preliminary Injunction against Annette Chambers Smith, Director

OHIO DEPARTMENT OF REHABILITATION AND CORRECTION

3. challenging the constitutionality of state prison regulations for the opening of prisoners' legal mail, and copying, & searching legal mail outside of the presence of the inmate. Thus violating

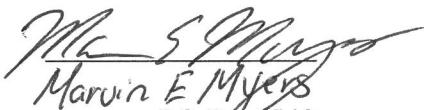
the 1<sup>st</sup> amendment of the US Constitution and violating the confidentiality rights of the inmate pertaining to legal mail.

4. The Plaintiff has an open legal case in 7<sup>th</sup> Dist Appellate Court Case No. 21 BE 21

5. The affiant does not wish to waive their rights to confidentiality& privacy in their legal matters.

6. Unless defendant is enjoined and restrained during the pendency of this action from the commission of the acts threatened by him as above set forth, the plaintiff will suffer great and irreparable damage, in

that Mail will continue to be open (legal mail) outside the presence  
of person it's sent to. ODRC will continue to violate our Constitutional  
rights as an American Citizen.

  
Marvin E. Myers  
PO Box 540

ST Clairsville OH 43950

Sworn to before me this 27<sup>th</sup> day of Oct, 2021

(Official title)


(Seal)



JOHN D RUIZ  
Notary Public, State of Ohio  
My Commission Expires Aug. 11, 2024

Certificate of Service

I, Marin Myers, plaintiff in the above-entitled action, hereby certify that on 27th the day of Nov, 2021, I served the attached upon, Ohio Attorney General attorney of record in the proceedings for defendant, by sending a copy of Affidavit in Support to his office at 350 E Bay St Columbus St., , vis the US Mail.



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Marvin Myers,

PLAINTIFF, Pro se

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OHIO DEPARTMENT OF  
REHABILITATION AND CORRECTION

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-DEFENDANT'S, inclusive

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Notice of Preliminary Injunction

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To:

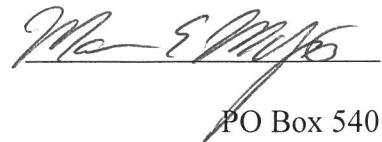
Attorney for Defendant

4545 Fisher Rd Suite 200

COLUMBUS, OHIO 43228

Please Take Notice that on the annexed affidavit of and upon the [verified] complaint, the plaintiff will move this court at Room , \_\_\_\_\_ Courthouse, \_\_\_\_\_, Ohio, on \_\_\_\_\_, 2021 at \_\_\_\_\_.M., or as soon thereafter as counsel can be heard, for an order pursuant to Rule 65(B), Ohio Rules of Civil Procedure, enjoining and restraining the defendant, its officers, agents, servants, and employees, and all other persons in active concert or participation with defendant who receive actual notice of the order, during the pendency of this action, from, Stop opening, copying, inspecting Legal mail outside the presence

of the inmate which is a clear violation of the 1st amendment of the US Constitution.; on the ground that the acts of defendant (*or* threatened acts of defendant) are in violation of plaintiff's rights in the subject of the action and tend to render the judgment sought in this action ineffectual (*or* the plaintiff has demanded a permanent injunction and the acts of the defendant, if committed during the pendency of the action would produce injury to the plaintiff and render the ultimate relief ineffectual), all to the immediate and irreparable injury, loss, and damage of plaintiff; and for such other relief as may be just and proper.



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Certificate of Service

I, Marvin Myers, plaintiff in the above-entitled action, hereby certify that on  
the 27<sup>th</sup> day of Nov, 2021, I served the attached upon,  
Ohio Attorney General attorney of record in the proceedings for defendant, by sending a  
copy of Notice of Plaintiff's Right to his office at 350 E Bay St., , vis the US Mail.

